

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

has further

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FILE: B-216030

DATE: August 27, 1984

MATTER OF: ISS Energy Services, Inc.

DIGEST:

Protest, addressed in manner other than that set forth in section 21.1(b) of Bid Protest Procedures, is not for consideration since GAO did not timely receive protest within 10 working days after initial adverse agency action on original protest to contracting agency. Further, delay caused by protester's failure to properly address protest does not merit consideration of untimely protest under either good cause or significant issue or certified mail exceptions of procedures.

On July 20, 1984, ISS Energy Services, Inc. (ISS), by certified mail, sent a letter to the "Office of Comptroller General" protesting the decision of a General Services Administration contracting officer to award a contract to another bidder under invitation for bids No. IPPBVT-84-B-20. Because the address on the ISS protest envelope was "15th Street and Pennsylvania Avenue, N.W., Washington, D. C. 20220," instead of the proper address set forth in our Bid Protest Procedures (see 4 C.F.R. § 21.1(b) (1983)), our Office did not receive the protest under August 7, 1984. ISS had originally protested to the contracting officer and that protest was denied it by letter of July 13.

Our Bid Protest Procedures provide that where a protest has been filed initially with the contracting agency, any subsequent protest to our Office, in order to be considered, must be filed within 10 working days of formal notification of or actual or constructive knowledge of initial adverse agency action. 4 C.F.R. § 21.1(a) (1983). The term "filed" means receipt in our Office. 4 C.F.R. § 21.2(b)(3) (1983). The agency denial of the ISS protest constituted the initial adverse agency action, and ISS knew of this denial by at least July 20. Thus, the protest filed with our Office on August 7 is untimely and not for consideration.

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Although our Bid Protest Procedures (specifically, 4 C.F.R. § 21.2(c) (1983)) do permit consideration of untimely protests where good cause is shown or issues significant to procurement practices or procedures are raised, we have held that the delay caused by the protester's failure to correctly address the protest does not merit consideration of an untimely protest under either of these exceptions. MRS Interior Systems, Inc., B-205250, Nov. 4, 1981, 81-2 C.P.D. ¶ 390. Further, while an exception to our timeliness rules is made in our Bid Protest Procedures for protests sent by certified mail, see 4 C.F.R. § 21.2(b)(3) (1983), this exception is not applicable where the delay is caused by the protester's failure to address its protest correctly.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel